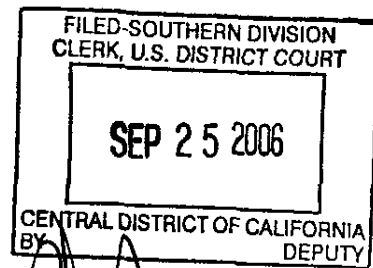


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Attorneys for Plaintiff
 LA Fitness International, LLC



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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

16 LA Fitness International LLC, a
 17 California limited liability company,

18 Plaintiff,

19 v.

20 segOne, Inc., a Delaware
 21 corporation,

22 Defendant.

23 segOne, Inc., a Delaware
 24 corporation,

25 Counterclaimant,

26 v.

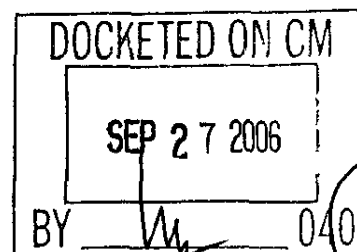
27 LA Fitness International, LLC, a
 28 California limited liability company,

Counterdefendant.

Case No. SACV06-423 DOC (RCx)

**STIPULATION AND REQUEST
 FOR DISMISSAL WITH
 PREJUDICE; [PROPOSED] ORDER**

Judge: David O. Carter



1 IT IS HEREBY STIPULATED by and between Plaintiff and
2 Counterdefendant LA FITNESS INTERNATIONAL LLC and Defendant and
3 Counterclaimant, SEGONE, INC. through their respective counsel of record, that,
4 pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), the above-captioned action
5 and counterclaim be dismissed with prejudice, with each side to bear its own costs
6 and attorneys' fees.

7
8
9 Dated: September 11, 2006


10 Respectfully submitted,

11
12 ROBERT M. SCHWARTZ
13 MARCUS S. QUINTANILLA
14 ANDREW H. HALL
15 O'MELVENY & MYERS LLP

16 By: 
17 Andrew H. Hall
18 Attorneys for Plaintiff
19 LA Fitness International, LLC

20 Dated: September 21, 2006

21 STEPHEN M. KRAMARSKY
22 DEWEY PEGNO & KRAMARSKY LLP

23 By: 
24 Stephen M. Kramarsky
25 Attorneys for Defendant
26 SEGONE, INC.

[PROPOSED] ORDER

Based on the Parties stipulation, it is HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned action be dismissed with prejudice, with each side to bear its own costs and attorneys' fees.

DATED: SEPTEMBER 25, 2006


UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE VIA U.S. MAIL

I, Teresa Marks, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 610 Newport Center Drive, 17th Floor, Newport Beach, California 92660. On September 25, 2006, I served the within document:

Stipulation and Request For Dismissal With Prejudice; [Proposed] Order

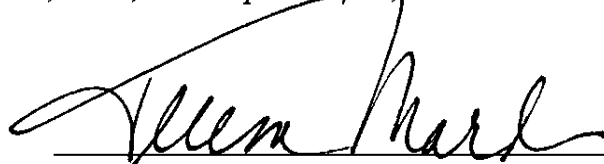
by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Newport Beach, California addressed as set forth below. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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1900 Avenue of the Stars, Suite 2375
Los Angeles, CA 90067

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 25, 2006, at Newport Beach, California.



Teresa Marks